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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,289	07/03/2001	Geoffrey G. Zweig	YOR920010253US1	2216
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Ryan, Mason & Lewis, LLP				
90 Forest Avenue				
Locust Valley, NY 11560				
EXAMINER				
KNAPP, JUSTIN R				
ART UNIT		PAPER NUMBER		
2182				

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/898,289

Applicant(s)

ZWEIG ET AL.

Examiner

Justin Knapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 11 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10, 12-21, and 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Klein, et al (herein referred to as Klein), US Patent Application Pub No. US 2002/0194026.

3. Referring to method claim 1, apparatus claim 12, and manufacture claim 23, Klein teaches at least one processor operative to: (i) identify at least one regularly identifiable expression in the input sequence of data symbols, wherein the at least one regularly identifiable expression represents a pattern that is matchable in accordance with a programming language that supports such a regularly identifiable expression; (ii) identify at least a portion of information associated with the at least one regularly identifiable expression; and (iii) extract the portion of information; and memory, operatively coupled to the at least one processor, for storing at least a portion of results associated with the identifying and extracting operations.

To further explain, Klein teaches the process of extracting and storing data in one embodiment of the invention in figures 4 through 9 and section [0047]. In a sequence of data symbols that makes up an inputted document, several regularly identifiable expression patterns are identified. A PERL language regular expression parser is used along with a rule set that includes a library of

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regular expressions that define how information is delimited. A portion of the patient information is identified, extracted, and stored.

4. Referring to method claim 2 and apparatus claim 13, Klein teaches wherein the regularly identifiable expression identifying operation comprises comparing the input sequence of data symbols to one or more regularly identifiable expressions, previously stored in the memory, to determine if there is a match between a portion of the input sequence and at least one of the previously-stored regularly identifiable expressions. As seen in section [0047] a rule set includes a library of regular expressions to use to determine if there is a match between a portion of the input sequence and at least one of the previously-stored regularly identifiable expressions.

5. Referring to method claim 3 and apparatus claim 14, Klein teaches wherein the at least one processor is further operative to normalize the input sequence of data symbols prior to identifying the regularly identifiable expression. Klein teaches that when a document is entered, it is normalized by removing all the formatting in the document.

6. Referring to method claim 4 and apparatus claim 15, Klein teaches wherein the at least one processor is further operative to identify one or more classes of data symbols in the input sequence prior to identifying the regularly identifiable expression. Klein teaches a library of rule sets that is itself a class of what regular expressions to identify.

7. Referring to method claim 5 and apparatus claim 16, Klein teaches wherein the at least one regularly identifiable expression comprises a characteristic phrase that typically precedes a particular portion of information. See figures 4-9.

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8. Referring to method claim 6 and apparatus claim 17, Klein teaches wherein the at least one regularly identifiable expression comprises a characteristic phrase that typically follows a particular portion of information. See figures 4-9.

9. Referring to method claim 7 and apparatus claim 18, Klein teaches wherein the extracted portion of information is used to take a specified action. Once the information is extracted, it is analyzed using a Care Guidelines Database (see section [0048])

10. Referring to method claim 8 and apparatus claim 19, Klein teaches wherein the extracted portion of information is at least one of visually and audibly presented to the user. Klein teaches a portion of information is visual presented to the user in figures 4-9.

11. Referring to method claim 9 and apparatus claim 20, Klein teaches wherein the regularly identifiable expression identifying operation is performed in accordance with one or more programs written in one of the flex, lex, and perl programming language. As taught herein above, Klein uses the perl programming language.

12. Referring to method claim 10 and apparatus claim 21, wherein the input sequence of data symbols is representative of at least one of text data, transcribed spoken data, deoxyribonucleic acid sequence data, ribonucleic acid sequence data, amino-acid sequence data, audio sequence data, and video sequence data. As taught herein above, Klein teaches an input sequence of text data.

13. Referring to claim 24, Klein teaches an apparatus comprising:
a data capture device for obtaining the input sequence of data symbols (see figure 1);
at least one processor, operatively coupled to the data capture device, operative to: (i) identify at least one regularly identifiable expression in the input sequence of data symbols wherein the at

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least one regularly identifiable expression represents a pattern that is matchable in accordance with a programming language that supports such a regularly identifiable expression; (ii) identify at least a portion of information associated with the at least one regularly identifiable expression; and (iii) extract the portion of information (as taught supra);

memory, operatively coupled to the at least one processor, for storing at least a portion of results associated with the identifying and extracting operations (as taught supra); and

a data output device, operatively coupled to the at least one processor, for presenting the extracted portion of information to a user (see figure 9).

14. Referring to claim 25, Klein teaches a method comprising:

identifying one or more regular expressions in the input document by comparing the input document to one or more previously-stored regular expressions to determine if there is a match between a portion of the input document and at least one of the previously-stored regular expressions, wherein a regular expression represents a pattern that is matchable in accordance with a programming language that supports such a regular expression; and

identifying at least a portion of information associated with the at least one regular expression for extraction (the limitations are taught in the rejections of claims 1 and 2).

Allowable Subject Matter

15. Method claim 11 and apparatus claim 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Response to Arguments

16. Applicant's arguments with respect to claims 1-25 on pages 7-8 in Amendment A received 11/06/03 have been considered but are moot in view of the new ground(s) of rejection *supra*.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Knapp whose telephone number is (703) 308-6132. The examiner can normally be reached on Mon - Fri 9 am - 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Justin Knapp
Examiner
Art Unit 2182

January 25, 2004


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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